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SUBJECT: FEBRUARY 25-26, 2007 ASTOP IV MEETING

**¶1.** SUMMARY: On February 25-26, 2007, the Japanese Ministry of Foreign Affairs hosted the Fourth Asian Senior-Level Talks on Non-Proliferation (ASTOP IV) in Tokyo. Senior-level government officials in charge of non-proliferation policies from the ASEAN member countries, Australia, Brunei Darussalam, Cambodia, Canada, China, Indonesia, Laos, Malaysia, Myanmar, Philippines, Republic of Korea, Singapore, Thailand, Vietnam, the United States and Japan attended the meeting. In addition, ASTOP IV marks the initial participation of both New Zealand and Canada. The first day of meetings focused on the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), IAEA's Additional Protocol, United Nations Security Council Resolutions (UNSCR) concerning North Korea and Iran, the Six-Party Talks, nuclear fuel supply assurances, and export control systems. The second day was devoted to a discussion on the Proliferation Security Initiative (PSI) and a thought-provoking PSI mock table-top exercise. China did not attend the PSI portion of the meeting. END SUMMARY.

OPENING SESSION

**¶2.** Senior Vice Minister for Foreign Affairs Katsuhito Asano's opening speech urged ASTOP member countries to act in concert and implement UNSCR 1718. Asano felt strongly that last year's missile launch by North Korea not only put peace and security in the Asia region in jeopardy but the entire world. Therefore he called on all countries to collectively work together to strengthen the non-proliferation regime. Asano expressed his hope that the Six-Party Talks will resume soon in an effort to get North Korea to abandon its nuclear weapons and existing nuclear programs. He also stated that humanitarian concerns must be addressed, namely the abduction issue. In Asano's final comments, he expressed gratitude to United Nations Under-Secretary for Disarmament Nobuaki Tanaka for his role in helping to realize UNSCR 1718. In MOFA's Disarmament, Non-Proliferation and Science Director-General Takeshi Nakane's opening remarks, he stated that the ASTOP's purpose is to strengthen the non-proliferation regime and promote better understanding of each country's responsibilities to achieve security.

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Universalization of the Additional Protocol  
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**¶3.** After opening remarks, the conference took up the first agenda item universalization of the Additional Protocol (AP). Having recently signed the AP, Thailand and Singapore presented first. Thailand reviewed its long and still continuing process toward AP ratification, which requires revision of relevant legislation prior to AP accession. Thailand highlighted the difficulties of educating GOT agencies on the meaning of the AP and of assessing and adjusting its internal procedures to carry out AP obligations. Singapore stated that it is now putting in place the necessary measures to ratify the AP and drew attention to

the successful December 2006 visit of an IAEA team to advise GOS agencies on AP implementation. Vietnam noted that its president had decided in November 2006 to sign the AP and the GOV is now negotiating complete WMD disarmament. Echoing Vietnam, Malaysia noted it views non-proliferation in the context of disarmament and expressed its disappointment in the lack of disarmament progress.

¶4. Indonesia updated the assembly on its efforts to bring the AP into force and note it is in the process of establishing a first nuclear reactor in 2011. Indonesia pointed out that only 78 states had ratified the AP and urged the United States and Russia to ratify as a clear example to others. (Note: Foley later responded to the comments by Indonesia and Japan on AP ratification by apprising the group that the U.S. had signed the AP in 1998, the Senate provided its advice and consent in March 2004, and the Congress passed necessary legislation in December 2006. USG is one step closer, but work remains to be done, Foley summarized. End note.) Australia presented a detailed paper on its experience in signing and ratifying the AP. Australia also highlighted its May 2005 announcement that it would make the AP a pre-condition for supply of uranium to non-nuclear weapon states. South Korea, noting its accession to the AP and its position as a leader in the peaceful use of nuclear energy, added that it has also made AP adoption a pre-condition for nuclear supply. The Philippines regretted that although it had signed the AP in 1997, the AP is one of over 30 international treaties or agreements awaiting ratification.

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U.S. Statement on Nuclear Fuel Supply Assurance  
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¶5. Opening the next agenda item on assurance of nuclear fuel supply, Foley called attention to President Bush's February 2004 speech urging suppliers to provide reliable access to nuclear fuel at reasonable cost the sensitivity of the subject, which could be perceived as restricting access of NPT-compliant states to peaceful nuclear technology or limiting access to the full fuel cycle to a handful of states, Foley stressed the need for vigilance regarding transfers of sensitive enrichment and reprocessing technology. Since the existing commercial nuclear fuel market is working well, the objective in developing fuel supply assurance is not to solve an existing supply problem; rather, it is to provide a mechanism to address possible future supply problems with sufficient certainty that recipient states can avoid devoting substantial resources to the indigenous development of enrichment and reprocessing capabilities, Foley underscored. Such a mechanism would thus promote the benefits of expanded nuclear energy use while the creation of this back-up mechanism, including establishment of a multilateral mechanism at the IAEA, coordination among enriched uranium commercial suppliers to back each other up, establishment of enriched uranium reserves, and foundation of an international center or centers to provide uranium enrichment services.

¶6. In response to the USG presentation, Japan took the opportunity to circulate again its "IAEA Standby Arrangements System" proposal, previously distributed at the September 19-21, 2006 50th IAEA General Conference Special Event, which supports the IAEA multilateral mechanism but seeks to broaden it by taking into account not only uranium enrichment, but all major front-end fuel cycle activities: uranium supply, storage, conversion, enrichment, and fuel fabrication. Australia (Note: Holder of 40 percent of the world's low-cost uranium reserves and the world's second largest uranium producer. End Note.) stated its position that the international nuclear fuel market has worked and continues to work efficiently, but that GOA supports international examination of proposals to strengthen nuclear fuel supply assurance. Australia expressed its hope that the IAEA Secretariat analysis now in progress will address as-yet

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unexplored fundamental questions, such as any new mechanism's impact on national supply policies, the existing uranium

market, and legitimate national fuel cycle choices. Canada, the world's largest supplier of uranium, noted that its position was broadly consistent with Australia's, that it was open-minded with respect to a new mechanism, and that it recognized the central role of the IAEA in reviewing the merits of current proposals.

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Japan's Efforts for Strengthening Nuclear Security  
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¶ 7. Japan provided a brief overview on its approach to nuclear security and counter-terrorism mechanisms. In an effort to enhance national counterterrorism measures, Japan asserted that it has become party to all twelve counter-terrorism conventions and protocols. Currently, it is working to implement additional international instruments, such as, the International Convention for the Suppression of Acts of Nuclear Terrorism and the Amendment on the Convention on the Physical Protection of Nuclear Material. Japan is also enhancing counterterrorism through promotion of international cooperation, such as actively contributing to the Global Initiative to Combat Nuclear Terrorism. On the nuclear security front, sustained and comprehensive efforts to expand the framework includes the introduction of the Design Basis Threat. Government officials are in close cooperation with National Security Authorities to provide nuclear installations with round-the-clock security guards by the Riot Police Unit (anti-firearms squads) and by Japan Coast Guard patrol boats. Customs is also playing a major role by actively installing sophisticated equipment to detect nuclear and other radioactive materials. In May 2005, Japan amended its law for "regulation of nuclear source material, nuclear fuel material and reactors." The changes in the law mainly focused on physical protection inspection and physical protection information confidentiality and penalties.

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China's Summary of the Status of the Six-Party Talks  
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¶ 8. Moving to regional non-proliferation issues, China presented a paper on the current status of the Six-Party Talks on North Korea. China asserted that the second phase of the fifth round of the Talks, held in Beijing in December 2006, proved useful, with all sides reaffirming the spirit of the Joint Statement on September 19, 2005 through dialogue. Acknowledging the wide differences still exist between North Korea and the USG, China suggested that the most important events of the December meetings were the frequent contacts between the DPRK and U.S., including the two discussions between financial experts from the two sides, which had never occurred in previous rounds of the Talks. China disputed the view that the sanctions regulated by UNSCR 1718 would alone be sufficient to resolve the North Korean nuclear issue, arguing that the resolution should be implemented in a comprehensive way. Finally, China hailed that the January 16-18, 2007 bilateral talks in Berlin between North Korea and the USG has a positive development and expressed the hope that they would lead to the early resumption of, and substantive progress in, the Six-Party Talks.

¶ 9. In response during the later open floor session, Australia admonished the group not to forget that North Korea had exploded a nuclear weapon on October 9, clearly showing the threat of WMD to the Asian region. The North Korean return to the Six-Party Talks was "nice, but insufficient." Australia encouraged all to look carefully at the cargo inspection provision of UNSCR 1718, consistent with international law. South Korea took notice of the positive development in Berlin in exasperation that 90 days have already passed since adoption of UNSCR 1718 but the 1718 Committee is still discussing the matter in New York.

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USG Presentation on Iran  
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¶10. Mr. Foley began the USG presentation of recent developments with respect to Iran by noting that Iran has refused to suspend its uranium enrichment, reprocessing, and heavy-water related activities and has failed to comply with UNSCR 1696 and 1737. Pointing out that in December 2006 the UNSCR had unanimously adopted Resolution 1737, imposing sanctions on Iran as a result of Iran's refusal to comply with UNSCR 1696 and of long-standing IAEA safeguards noncompliance, Foley reviewed the specific UNSCR 1737 measures intended to prevent Iran from moving forward with its proliferation-sensitive nuclear activities and nuclear weapons-capable delivery systems. Foley highlighted steps the USG has taken to implement its obligations under UNSCR 1737 and called on all member states to follow through on their obligations under the Chapter 7 UN Resolutions.

¶11. In response, Indonesia encouraged the P5 1 to take measures to try to engage Iran and queried the U.S. whether any steps pursuant to UNSCR 1737 Paragraph 21 had been taken on engagement of Iran. Foley responded by reiterating Secretary Rice's recent assertion that the USG remains open

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to the P5 1 diplomatic approach but stressed that Iran must cease enrichment efforts as a precondition. South Korea expressed its wishes that Iran not take any further aggravating measures and that Iran fully implement UNSCR 1737.

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UN U/S Tanaka Report on Implementation of UNSCRs  
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¶12. UN Under-Secretary for Disarmament Affairs Nobuaki Tanaka presented on the next agenda item of UNSCR implementation. Opening with the declaration of 2006 as a year of milestone UNSCR resolutions to curb WMD proliferation, Tanaka focused his remarks on resolutions 1540 and 1673 aimed at the long-term goals of strengthening national capacities and enhancing international cooperation to combat proliferation. Tanaka offered the view that the adoption of all recent non-proliferation resolutions by the UNSC, rather than by the UN General Assembly, reflected the preference of might nations to persuade only 15 nations instead of 192 and then make the deacons mandatory under Chapter 7. Tanaka pointed out that while certainly the easier path, this approach might leave UN member states outside the UNSC less inclined to implement vigorously the UNSCR resolutions.

¶13. Tanaka stated that UNSCRs 1540 and 1673 obligated all states to take legislative and administrative action to put in place national regulatory measures on non-proliferation, but implementation remains a national responsibility. Some countries are facing difficulties in addressing the initial requirements of 1540 due to a lack of administrative and technical ability. To underscore this point, Tanaka cited the widely varying regional rates at which member states have submitted first national reports to the 1540 Committee. In particular, the Pacific Islands are facing the greatest challenges, with only 25% of states having submitted first reports. Tanaka stressed that states lacking the necessary legal and regulatory infrastructure, or capacity and resources, may require assistance in implementing the provisions of UNSCR 1540.

¶14. In response, Foley picked up on the statement that several nations need assistance in implementing 1540 to advertise the USG-hosted ASEAN Regional Forum Workshop on UNSCR 1540 Implementation on February 13-15, 2007 in San Francisco and encouraged all interested parties to attend. New Zealand responded that the Pacific Island under-reporting was not due to a distaste for the process, but rather to a lack of capacity for performance. Vietnam noted its own shortage of human and technical resources to fulfill its 1540 obligations and appealed to the UN to look carefully at these issues.

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¶15. On the last day of the ASTOP meeting, MOFA put together a stimulating PSI mock table-top exercise for participants. The purpose of the exercise was to increase the understanding about what types of operations are needed and what elements need to be considered in dealing with proliferation cases, with particular emphasis on: (1) relevant government agencies, their roles, relevant domestic laws and regulations; (2) relevant international law/norms; (3) types of coordination/cooperation with other countries and (4) applicable domestic legislation. China was the only country not to participate in the PSI portion at ASTOP.

¶16. Please contact Tokyo ESToffs Ayanna Hobbs on HobbsA@state.gov or Daniel Walter on WalterDK@state.gov for full text versions of the presentations.

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Participants  
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--Mr. John Sullivan, Assistant Secretary, Arms Control and Counter-Proliferation Branch, International Security Division, DFAT  
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--Mr. Greg Manning, Assistant Secretary, International Security and Human Rights Branch, Office of International Law, Attorney General's Department  
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